

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Austin P. Shelley)	
)	
Certificate 223332)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2006. On October 5, 2006, the Office of Educator Certification sent Austin P. Shelley notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Shelley received the notice as evidenced by a postal receipt bearing his signature, dated October 12, 2006. Mr. Shelley did not request a hearing within the time specified in the notice letter. After considering the information presented by the Department, the State Board voted to suspend Mr. Shelley's certificate for one year.

FINDINGS OF FACT

Mr. Shelley holds an initial South Carolina educator certificate. He has one year of experience obtained during the 2005-06 school year as a mathematics teacher at T. L. Hanna High School in Anderson County School District Five (District). Mr. Shelley was under contract with the District for the 2006-07 school year when on August 24, 2006, he submitted a letter of resignation. On August 25, 2006, District officials informed Mr. Shelley that he would not be released from his contract until the District found a suitable replacement. Mr. Shelley did not report for work after August 25, 2006. By letter of August 30, 2006, the District Superintendent informed Mr. Shelley that he was considered to be in breach of his contract and that the breach would be reported to the District Board

of Trustees. On September 19, 2006, the District Board of Trustees voted to request the suspension of Mr. Shelley's certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient information supporting its conclusion that Mr. Shelley breached his contract with Anderson County School District Five, warranting the suspension of his certificate for a period of one year, through November 7, 2007. Should Mr. Shelley wish to have his certificate reinstated at the end of the suspension period, he may make a written request for reinstatement to the Office of Educator Certification.

South Carolina State Board of Education

By: /s/ Joe Isaac

Joe Isaac, Chair

Columbia, South Carolina
November 8, 2006